

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7370**

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In Re: DEMETRIC GRAY PEARSON,

Petitioner.

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On Petition for Writ of Mandamus.  
(CA-02-1478-PJM)

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Submitted: November 7, 2002

Decided: November 15, 2002

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Before WILKINS and LUTTIG, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Demetric Gray Pearson, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Demetric Gray Pearson petitions for a writ of mandamus. He seeks orders requiring the Government to show cause and recusing the district court. Pearson also raises claims concerning alleged errors in his state court proceedings.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. See In re First Fed. Sav. & Loan Assn., 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

Our review of the district court's docket reveals the Government filed its response and the district court has ruled; therefore, this issue is moot. As to the remainder of Pearson's arguments, the relief sought by Pearson is not available by way of mandamus.

Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED